



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

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March 20, 2023

Hon. Therese Wiley Dancks (*via CM/ECF filing*)
Federal Building and U.S. Courthouse
P.O. Box 7346
Syracuse, NY 13261-7346

Re: *Young America's Foundation et al v. Stenger et al*
Northern District of New York – 20-cv-822 (LEK/TWD)

Dear Judge Dancks:

This office represents Defendants John Pelletier, Brian Rose and Harvey Stenger (“State Defendants”). This letter is a status report as ordered by the Court at Dkt. 219.

1. Depositions completed:

Since the last March 3 status report, the depositions of current Plaintiff BU College Republicans (“CR”) President Reign Bey (on March 3), current CR Vice-President Logan Blakeslee (on March 10) and Plaintiff Jon Lizak (on March 16) have been completed.

2. Depositions scheduled:

Currently, the following depositions have been scheduled:

- March 21, 2023: non-party witness Randi Butler;
- March 24, 2023: CR member Spencer Haynes;
- March 28, 2023: CR member Kyle Nelson;
- March 29, 2023: Plaintiffs’ expert Anthony Raganella; and
- March 30, 2023: CR member Preston Scagnelli.

3. Outstanding discovery:

On March 8, 2023, counsel for State Defendants provided last known addresses, received from the University, for CR members/witnesses Preston Scagnelli, Kyle Nelson, Brian Murray and Samuel Kessler to Plaintiffs’ counsel, who are making an effort to locate and provide availability for these witnesses’ depositions. To date, Scagnelli and Nelson have been located and as noted above these depositions will be completed March 28 and 30. It is my understanding that at the time of this writing, Plaintiffs’ counsel have not heard from Murray or Kessler, and do not

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anticipate being able to produce them as party witnesses. Defendants request permission to subpoena these individuals.

The University was unable to locate information regarding a student named “Joseph Babadina”. At his March 16 deposition, Plaintiff Lizak identified this individual’s correct name as Joseph Badalamente or Badalamenti. We have forwarded this name to the university and will provide contact information to Plaintiffs’ counsel upon receipt.

As noted, Plaintiff College Republicans’ Vice-President Logan Blakeslee was deposed on March 10, 2023. Thereafter, on the same date, Defendants issued a Request for Production via e-mail for documents and witness information identified at that deposition. Further, following Plaintiff Jon Lizak’s March 16 deposition, on that same date, Defendants issued a Request for Production via e-mail for documents, e-mails and witness information identified at that deposition. With respect to e-mails requested from College Republicans’ “binghamton.edu” and “binghamton.sa” e-mail accounts, Plaintiffs’ counsel have asked that State Defendants’ counsel provide draft authorizations and have agreed to ask CR members to sign authorizations, which this office expects to provide to counsel this week.

State Defendants have made a good-faith effort to complete discovery in advance of the court-ordered 3/31/23 deadline, and respectfully request that the Court permit a final discovery deadline extension to allow time to locate and depose Murray, Kessler and Badalamente/Badalamenti. Even if the former two are located this week, counsel for State Defendants have no remaining available dates in March 2023 to depose them. In addition, Lizak identified two other College Republicans present at the Laffer Event, Bryn Lauer and Dylan Roth, and we would like to depose these individuals. Although Lauer was identified at a prior deposition, we still have no address for these witnesses and have requested same from counsel and the University, and should the University be able to locate them, we will provide to counsel upon receipt.

Further, this extension will allow time to obtain requested records from Plaintiffs that were requested following the Blakeslee/Lizak depositions, and to obtain authorizations from Plaintiffs so that the University may locate such e-mails (complete copies of which will be provided to Plaintiffs’ counsel). Defendants request an extension to April 28, 2023 to complete such discovery, with a commensurate extension for discovery motions to 5/19/2023; and the dispositive motion deadline to 6/30/2023. Plaintiffs’ counsel have advised that they oppose this request and plan to submit a letter to the Court setting forth their objections.

In the alternative, a judicial conference is requested to discuss the above. Thank you for your kind consideration.

Respectfully yours,

s/ John F. Moore

John F. Moore

Assistant Attorney General

Bar Roll No. 105188

cc (via ECF): All Counsel